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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,615	08/19/2003	Michelle R. McKenna	58085-012200	5984
46560	7590	11/29/2006	EXAMINER	
THE WALT DISNEY COMPANY C/O GREENBERG TRAURIG LLP 2450 COLORADO AVENUE SUITE 400E SANTA MONICA, CA 90404			SALIARD, SHANNON S	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/644,615	<b>Applicant(s)</b> MCKENNA ET AL.	
	<b>Examiner</b> Shannon S. Saliard	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. Applicant has amended claims 1, 3-7, 9-22, and 24-35, cancelled claim 8, and added new claims 36-45. Thus claims 1-7 and 9-45 remain pending and are presented for examination.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1 and 22 have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments, filed 15 September 2005, with respect to claims 36 and 37 have been fully considered but they are not persuasive. Applicant argues that there is no teaching or disclosure regarding "using a decision tree to customize an out-of-home selected product or service for the customer, the selected product or service being based on the collected data, the product or service including travel mode, accommodation, entertainment, and dining". However, Examiner submits that Campbell discloses "trip planning module (decision tree) may prompt the user for details on the trip such as destination and dates of travel...trip planning module will then apply logic to the request using the travel policies, preferred vendor booking preferences, and customer profile to build an optimal option for the trip that includes the travel reservations best suited for the customer according to the travel policies...and customer profile preferences (customize an out-of-home product or service using data collected in the customer profile) ...the trip planning module may be used to make travel

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reservations by separately making airline reservations, hotel reservations, car rental reservations, airport limousine reservations, and any other type of reservation that may be required [0049]. Although Campbell does not explicitly disclose that the selected product or service includes entertainment and dining. It would have been obvious to include entertainment and dining as part of the services offered, since Campbell discloses making reservations for any other type of reservation and it is well known that entertainment services and dining requires advance planning.

4. Applicant's arguments, filed 15 September 2006, with respect to claims 38-43 have been fully considered but they are not persuasive. Applicant argues that there is no teaching or disclosure regarding "dynamically changes the database of the provider according to changes in the customer profile", "changes in available services", and "changes in available facilities of the provider." Examiner respectfully disagrees. Schiff et al discloses that an entry of how many persons will be traveling is updated in real time [0156]. Schiff et al further discloses that the system will update customer information in the database [0048]. Moreover, Schiff et al discloses that the cruise selling and booking system allows the customer to have up-to-date information and the system is available for immediate access to receive accurate and timely responses regarding availability [0054]. Examiner asserts that the user can only receive accurate and up-to-date information, regarding availability for travel packages that match the profile of the customer, if the data in the database (i.e., availability and customer profile information) is dynamically changed as the availability and customer profile information is changed. Therefore, it would have been obvious at the time of the invention to modify

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the invention of Schiff et al to include including dynamically changing the operator's database according to changes. Schiff et al provides the motivation that the method allows customers to have up-to-date information on packages without spending unnecessary time [0054].

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1, 3, 4, 9, 22, 24, 25, 44, and 45** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **claims 3 and 24**, the limitation “the out-of-home preferred product or service” as recited is vague and indefinite. There is lack of antecedent basis for this limitation in the claim.

As per **claims 4 and 25**, the limitation “a customer” as recited is vague and indefinite. It is unclear to the Examiner if the Applicant is referring to the same customer of claim 1 or some other customer.

As per **claim 9**, the limitation “the input” as recited is vague and indefinite. There is lack of antecedent basis for this limitation in the claim.

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As per **claims 10 and 28**, the limitations “the customer family details” and “the customer family” as recited are vague and indefinite. There is lack of antecedent basis for these limitations in the claim.

As per **claims 1, 22, 44, and 45**, the limitation “the series being mailings separated in time prior to the arrival of the customer arrival at a facility of the provider” as recited is vague and indefinite. It is unclear to the Examiner how the system knows when the customer is going to arrive at the facility.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-7 and 9-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff et al [US 2003/0004760] in view of Campbell et al [US 2003/0144867] and Chen [US 2003/0149623].

As per **claims 1 and 22**, Schiff et al discloses a method of customizing products and services offered by an out-of-home provider to a customer's personal preferences, the method comprising: creating a customer profile; collecting data about a customer's preferences; storing the collected data in the customer profile [0059; 0090]. Schiff does not disclose and using a decision tree to customize the customer's out-of-home

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experience based on the collected data. However, Campbell discloses a trip planning module applies logic to a request of a customer, using the preferences and customer profile to build an optimal option for a trip that includes travel reservations best suited to the information collected related to the customer [0049]. Therefore, it would have been obvious at the time of the invention to modify the invention of Schiff et al to include the method of Campbell et al to satisfy the customer requirements. Campbell does not disclose generating a time line for affecting a communication stream to the customer, the communication stream being a series of mailing to an address of the customer, the series being mailings separated in time prior to the arrival of the customer arrival at a facility of the provider. However, Chen discloses generating a time for a series of mailings to an address of a customer [0021]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Schiff et al to include the method disclosed by Chen. Chen provides the motivation that providing communication to the customers maintains the interest of the consumer in the program [0021].

As per **claims 2 and 23**, Schiff et al further discloses wherein the out-of-home provider is a resort or entertainment operator [0091].

As per **claims 3 and 24**, Schiff et al further discloses including integrating the customer preferences, customer profile and available facilities thereby to match the out-of-home preferred product or service for the customers [0048-0051].

As per **claims 4 and 25**, Schiff et al further discloses including steps of integrating facilities of the out-of-home provider with preferences of a customer, and matching the facilities with the preferences of customers [0048-0051].

As per **claim 5**, Schiff et al does not explicitly disclose including forming the customer profile from data obtained from the customer, the customer being a repeat user of one or more facilities of the provider. However, Schiff et al discloses that information on a customer may be stored in a customer information database; the information includes data relating to previous sailing experiences [0059]. Therefore, it would have been obvious at the time of the invention to modify the invention of Schiff et al to include forming the customer profile from data obtained from the customer, the customer being a repeat user of one or more facilities of the provider. Schiff et al provides the motivation that using the customer profile to match attributes allows the booking system to select packages that may be of interest to the traveler [0055].

As per **claims 6 and 26**, Schiff et al further discloses including generating a match between a facility of the provider and the preference of a customer, the match being effected by applying data obtained from historical records relating to preferences of the customer, the historical records having been received and entered as data into a database [0060].

As per **claims 7 and 27**, Schiff et al further discloses wherein integration affects a match between customer preferences with the a variety of vacation, accommodation, entertainment and travel packages available [0091]. Schiff et al does not explicitly disclose the variety of vacation,



As per **claim 9**, Schiff et al further discloses wherein the provider controls the input to a data environment relating to information of the customer [0045].

As per **claims 10 and 28**, Schiff et al discloses wherein the data environment is a profile of the customer, including at least one of the customer family details, being at least one of the size of the customer family, age of the customer family and out of home preferences of the customer or family [0090].

As per **claims 11 and 29**, Schiff et al further discloses wherein the out-of-home product or service includes at least one of travel mode, accommodation, entertainment or dining [0091].

As per **claims 12 and 30**, Schiff et al further discloses wherein the out-of-home product or service includes at least several of travel mode, accommodation, entertainment or dining [0091].

As per **claim 13**, Schiff et al does not explicitly disclose including dynamically changing the database of the provider according to changes in the customer profile. However, Schiff et al discloses that an entry of how many persons will be traveling is updated in real time [0156]. Therefore, it would have been obvious at the time of the invention to modify the invention of Schiff et al to include dynamically changing the database of the provider according to changes in the customer profile so that the system has accurate information to make the best decisions.

As per **claims 14 and 31**, Schiff et al does not explicitly disclose including dynamically changing the database of the provider according to changes in available facilities. However, Schiff et al discloses that an entry of how many persons will be

traveling is updated in real time [0156]. Therefore, it would have been obvious at the time of the invention to modify the invention of Schiff et al to include including dynamically changing the operator's database according to changes available facilities. Schiff et al provides the motivation that the method allows customers to have up-to-date information on packages without spending unnecessary time [0054].

As per **claim 15**, Schiff et al does not explicitly disclose wherein the changing of the database of the provider is according to changes in available facilities of the provider. However, Schiff et al discloses that an entry of how many persons will be traveling is updated in real time [0156]. Therefore, it would have been obvious at the time of the invention to modify the invention of Schiff et al to include including dynamically changing the operator's database according to changes available facilities. Schiff et al provides the motivation that the method allows customers to have up-to-date information on packages without spending unnecessary time [0054].

As per **claim 16**, Schiff et al further discloses a database of products and services, selectively including at least one of travel mode, vacation choice, entertainment choice and dining choice [0091]. Schiff et al does not explicitly disclose wherein the provider operates the database. However, Campbell et al discloses a method of customizing products and services offered by an out-of-home provider to a customer's personal preferences wherein the system is provided by an operator [0013]. Therefore, it would have been obvious at the time of the invention to modify the invention of Schiff et al to include the method disclosed by Campbell et al. Campbell et

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al provides the motivation using a single operator to control the system provides a single or reduced point of contact [0013].

As per **claims 17 and 32**, Schiff et al further discloses wherein there are at least two data environments, a first data environment being a customer data environment and a second data environment being products and services, and including matching the data environments such that preferences of the customer is strategically matched with the services and products of the provider. Schiff et al does not disclose using a recommender algorithm. However, Campbell et al discloses a trip planning module applies logic to a request of a customer, using the preferences and customer profile to build an optimal option for a trip that includes travel reservations best suited to the information collected related to the customer [0049]. Therefore, it would have been obvious at the time of the invention to modify the invention of Schiff et al to include the method of Campbell et al to satisfy the customer requirements.

As per **claim 18**, Schiff et al further discloses wherein the customer profile includes an entry of current bibliographical data of the customer, and including current data of the customer to past bibliographical data of the customer [0048; 0059].

As per **claims 19 and 33**, Schiff et al further discloses including integrating an itinerary, entitlements, customer profile, accounting, reporting, and pricing so as to be contained in the database [0104-0107].

As per **claims 20 and 34**, Schiff et al further discloses including integrating requirements of the customer, the customer being permitted to access to a data system established by the method, the access being by at least one of a personal telephone

call or internet access, a travel agent for the customer, groups sales personnel for the customer or wholesalers personnel for the customer [0045; 0049].

As per **claims 21 and 35**, Schiff et al does not disclose the communication stream being mailings relating to entertainment services including at least one of sports activities or dining. However, Chen discloses a communication stream including mailings to a customer about the sales of goods and services including at least one of sports activities or dining [0003; 0021; see Fig. 4].

9. **Claims 36-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff et al [US 2003/0004760] in view of Campbell et al [US 2003/0144867].

As per **claims 36 and 37**, Schiff et al discloses a method of customizing products and services offered by an out-of-home provider to a customer's personal preferences, the method comprising: creating a customer profile; collecting data about a customer's preferences; storing the collected data in the customer profile [0059; 0090]. Schiff does not disclose using a decision tree to customize the customer's out-of-home experience based on the collected data, the product or service including travel mode, accommodation, entertainment, and dining. However, Campbell discloses a trip planning module applies logic to a request of a customer, using the preferences and customer profile to build an optimal option for a trip that includes travel reservations best suited to the information collected related to the customer [0049]. Campbell further discloses the product or service is airline reservations, hotel reservations, car rental reservations, airport limousine reservations, and any other type of reservations that may

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be required. Therefore, it would have been obvious at the time of the invention to modify the invention of Schiff et al to include the method of Campbell et al including the product or service including travel mode, accommodation, entertainment, and dining to satisfy the customer requirements.

As per **claims 38-43**, Schiff et al does not explicitly disclose dynamically changing the database of the provider according to changes in the customer profile, available facilities. However, Schiff et al discloses that an entry of how many persons will be traveling is updated in real time [0156]. Schiff et al further discloses that the system will update customer information in the database [0048]. Moreover, Schiff et al discloses that the cruise selling and booking system allows the customer to have up-to-date information and the system is available for immediate access to receive accurate and timely responses regarding availability [0054]. Therefore, it would have been obvious at the time of the invention to modify the invention of Schiff et al to include including dynamically changing the operator's database according to changes. Schiff et al provides the motivation that the method allows customers to have up-to-date information on packages without spending unnecessary time [0054].

10. **Claims 44 and 45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff et al [US 2003/0004760] in view of Campbell et al [US 2003/0144867] as applied to claims 36 and 37 above, and further in view of Chen [US 2003/0149623].

As per **claims 44 and 45**, Schiff et al does not disclose generating a time line for affecting a communication stream to the customer, the communication stream being a series of mailing to an address of the customer, the series being mailings separated in time prior to the arrival of the customer arrival at a facility of the provider. However, Chen discloses generating a time for a series of mailings to an address of a customer [0021]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Schiff et al to include the method disclosed by Chen. Chen provides the motivation that providing communication to the customers maintains the interest of the consumer in the program [0021].

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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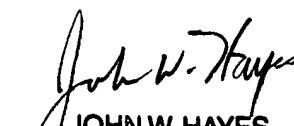
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**JOHN W. HAYES**  
**SUPERVISORY PATENT EXAMINER**

Shannon S Saliard  
Examiner  
Art Unit 3628

SSS